



NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES

Attorney Docket No.:
JHU1320-4

In re Application of:
Lee and Huynh

Application No:
09/880,708

Filed:
June 12, 2001

For: GROWTH DIFFERENTIATION FACTOR-5

Group Art Unit: 1647

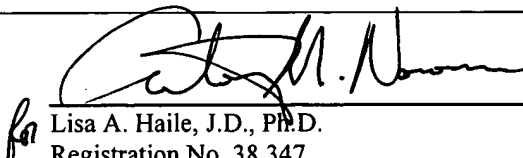
Examiner: D.S. Romeo

Applicants hereby appeal to the Board of Appeals from the decision dated December 2, 2005 of the Examiner rejecting claims 2, 5-8, 11 and 12.

1.	X	Appeal Fee (37 C.F.R. 1.17(b))	
	X	other than small entity	\$500.00
		small entity	\$250.00
2.	X	A petition and fee for an extension of time for reply to the rejection is attached.	
X		Extension Fee (37 C.F.R. 1.17(a))	
	X	Other than small entity	
		\$120.00	\$450.00 X \$1020.00 \$1,590.00
		Small entity	
		\$60.00	\$225.00 \$510.00 \$795.00
3.	X	Please charge the amount of \$1,400.00; \$500.00 for the Notice of Appeal and \$900.00 for the Three (3) Month Extension of Time fee (minus the One (1) Month Extension fee previously paid) to Deposit Account No. 07-1896. The Commissioner may charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 07-1896, referencing the above-identified docket number.	

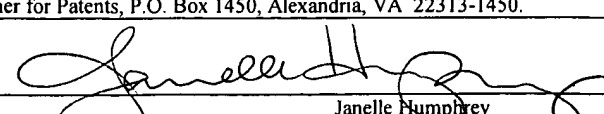
June 1, 2006

Date


for Lisa A. Haile, J.D., Ph.D.
Registration No. 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

DLA PIPER RUDNICK GRAY CARY US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2189
USPTO Customer Number 28213

06/06/2006 BABRAHA1 00000025 071896 09880708
01 FC:1401 500.00 DA

"EXPRESS MAIL" Mailing Label Number: EV 841 625 285 US
Date of Deposit: June 1, 2006
I hereby certify under 37 CFR § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office To Addressee" with sufficient postage on the date indicated above and is addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 Janelle Humphrey

GT6491260.1
331323-124